

CCRB CASE CLOSING FORM

Investigator assigned: Ethan Davis		Team: 4	CCRB#: 9701656	FADO: F, A, D
Date of incident: 5-7-97	Time of incident: 2330 hours	Location of incident: § 87(2)(b) § 87(2)(b)	Pct. of occurrence: 052	Date SOL expires: 11-7-98
Date reported: 5-9-97	Time reported: 0932 hours	To whom/where/how reported: Complaint made by phone to CCRB Complaint Response Unit		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		§ 87(2)(b)		
Witness(es): § 87(2)(b)		§ 87(2)(b)		
Subject officer(s) (include rank): PO Raul Del-Llano PO Robert Spies PO Brian Mullen PO Cornelius Smith	Shield: 29478 24391 23919 10846	Tax: 915574 907382 906885 898552	Command: 052 052 052 052	
Witness officer(s) (include rank): LT James Farrell	-----	845566	052	

Allegation(s) by letter:	Recommendation(s):
A.) Discourtesy: § 87(2)(b) alleges that officers cursed at her when they ordered her to open the door to her apartment in violation of Patrol Guide procedure 104-01.	§ 87(2)(g)
B.) Excessive Force: § 87(2)(b) alleges that PO Dellano used a choke hold to carry her son, § 87(2)(b) into the apartment in violation of Patrol Guide 104-01.	
C.) Abuse of Authority: § 87(2)(b) alleges that PO Del-Llano unlawfully entered her apartment in violation of Patrol Guide procedure 116-50.	
D.) Abuse of Authority: § 87(2)(b) alleges that PO Spies unlawfully entered her apartment in violation of Patrol Guide procedure 116-50.	
E.) Abuse of Authority: § 87(2)(b) alleges that PO Mullen unlawfully entered her apartment in violation of Patrol Guide procedure 116-50.	
F.) Abuse of Authority: § 87(2)(b) alleges that PO Smith unlawfully entered her apartment in violation of Patrol Guide procedure 116-50.	
G.) Excessive Force: § 87(2)(b) alleges that officers used excessive force when they discharged pepper spray inside of her apartment in violation of Interim Order 92 of 1994 (Revising P.G. 116-48).	

Notes

§ 87(2)(b) refused to allow her older son, § 87(2)(b) to come in for an interview. § 87(2)(b) interrupted the conversation and became angry with me when she found out that I had scheduled § 87(2)(b) for an interview at CCRB. She refused to allow her § 87(2)(b) old son to come in for an interview. (See Investigative Action Sheet #20d) § 87(2)(b), § 87(2)(g)

Several attempts were made to interview § 87(2)(b)'s younger son, § 87(2)(b). § 87(2)(b), § 87(2)(g)

(See Investigative Action Sheets #20b, 20c, and 20f)

LT Farrell brought a list with him to his interview at CCRB documenting the number of times the police have been called to the § 87(2)(b) apartment. (See Police Documents. Enc. #15a) The

list indicates that MOS from the 052 precinct responded to § 87(2)(b)'s address fifteen times between May 5 and May 15, 1997. § 87(2)(b) and her sons, § 87(2)(b) and § 87(2)(b) are known to members of the 052 precinct as an emotionally disturbed family. Also, § 87(2)(b)'s medical records indicate that he has a history of mental problems and violent, irrational behavior. (See Medical Records. Enc. #16e)

§ 87(2)(b), § 87(2)(g)

Summary

On May 7, 1997 LT Farrell and PO Del-Llano were at the § 87(2)(b) interviewing the victim of a shooting. While the officers were speaking to the victim at the hospital they became aware of a man § 87(2)(b), yelling and screaming in front of the hospital. PO Del-Llano spoke to § 87(2)(b) and was told that § 87(2)(b)'s mother was being assaulted at § 87(2)(b). LT Farrell came out of the hospital and the officers drove with § 87(2)(b) in their RMP to § 87(2)(b)'s apartment. Before the officers arrived they reported the incident over the radio and requested assistance. Several other units from the 052 precinct responded to the location including PO Spies, PO Mullen and PO Smith. When the officers arrived at the § 87(2)(b)'s apartment one of the officers knocked on the door. § 87(2)(b) spoke to the officers from behind the door, but she refused to open the door. PO Del-Llano explained that § 87(2)(b) had reported that she was the victim of an assault and had brought the police to the apartment. § 87(2)(b) refused to open the door so § 87(2)(b) stood in front of the peephole. § 87(2)(b) opened the door when she saw her son and several officers, including PO Del-Llano, PO Smith, PO Mullen and PO Spies, entered the apartment to speak to § 87(2)(b) and determine whether or not an assault had taken place.

After the officers had entered the apartment an argument broke out between § 87(2)(b) and § 87(2)(b) and his younger brother, § 87(2)(b). Several officers moved to separate the two brothers while LT Farrell spoke to § 87(2)(b) to find out what, if anything, had prompted § 87(2)(b) to report an assault to the police. After a few minutes, the argument between § 87(2)(b) and § 87(2)(b) calmed down and LT Farrell was able to determine that an argument between § 87(2)(b) and her neighbor had precipitated the entire incident. After it was determined that § 87(2)(b) was unhurt and had not been assaulted all of the officers, except LT Farrell and PO Del-Llano, left the scene. PO Del-Llano knocked on the door of § 87(2)(b) neighbor's apartment and spoke to her neighbor, § 87(2)(b). § 87(2)(b) stated that he has had numerous problems with § 87(2)(b) and her children and he filed a harassment complaint against them. § 87(2)(b) also filed a complaint with the police in which he alleged that § 87(2)(b) had threatened to kill his mother. LT Farrell then warned § 87(2)(b) that he would be arrested or taken in to the station house as an emotionally disturbed person if there were any more disturbances at the location. LT Farrell and PO Del-Llano

Analysis

§ 87(2)(b) claims that an unidentified officer used discourteous language when the officer directed her to open the door. (Allegation A. § 87(2)(g) § 87(2)(b) claims that she heard someone knocking on her door, but she ignored the knocking because it was “kind of late” and her daughter had gone to bed. The knocking persisted and became louder and louder and woke up her daughter, § 87(2)(b) who walked over to the door and asked who was there. According to § 87(2)(b) a voice ordered § 87(2)(b) to “open the fucking door.”

officers use profanities. § 87(2)(b), § 87(2)(g)

description of the Carotid Sleeper. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) All of the officers denied the allegation and stated that PO Del-Llano did not ever physically restrain § 87(2)(b) at any time nor did PO Del-Llano ever use any type of force to bring § 87(2)(b) into the apartment. § 87(2)(b) indicated prior to his interview that he sought medical treatment for his neck at the § 87(2)(b) immediately following the incident. Medical records from § 87(2)(b) however, indicate that § 87(2)(b) did not receive any treatment on or about the date of the incident. The supervisor of the § 87(2)(b) Health Information Management Office, § 87(2)(b)

coherent account of the events leading up to the alleged use of pepper spray. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) indicated that the pepper spray was discharged outside of the apartment when her mother followed after the officers when they were leaving and tried to speak to them in the hallway. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that the officers used pepper spray against him and his brother § 87(2)(b) § 87(2)(g) did not include any mention of pepper spray being discharged until he was specifically asked toward the conclusion of his interview.

Again, all of the officers denied the allegation that pepper spray had been used § 87(2)(b), § 87(2)(g)

Patrol Guide procedure requires that any individual who is sprayed with OC spray be taken into police custody. § 87(2)(b), § 87(2)(g)

Investigator: Ethan Davis

Date: _____

Supervisor: 

Date: 8/9/97

Reviewed by: _____

Date: _____

Reviewed by: _____

Date: _____